



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,969	09/11/2000	Winfried Edelmann	AHN-001DV2	5790
959	7590	06/01/2004		EXAMINER
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			HUI, SAN MING R	
			ART UNIT	PAPER NUMBER
			1617	

DATE MAILED: 06/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO. 09/658969	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---	-------------	---	---------------------

EXAMINER

San Ming Hui

ART UNIT PAPER

1617 05242004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on February 6, 2004 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): No election was made in regard to the small molecule specie election requirement. As set forth in the office action mailed August 6, 2003, applicant is required under 35 U.S.C. 121 to elect i) a single disclosed species of a method of modulating fertility and meiosis (e.g., either enhancing fertility or contraception) and ii) a single disclosed compound of modulating fertility and meiosis, even though this requirement is traversed. In the response filed February 6, 2004, only the species of method of modulating fertility and meiosis was elected. No single specie of small molecule is elected.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention. See page 2-3 of the office action mailed August 6, 2003. The response filed on February 6, 2004 did not elect a single small molecule specie. The response is therefore considered non-responsive. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Parhegar
5/25/2004